

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION**

OLD REPUBLIC INSURANCE COMPANY,)	
Plaintiff,)	
)	
v.)	CAUSE NO.: 2:15-CV-281-JD-PRC
)	
GARY/CHICAGO INTERNATIONAL)	
AIRPORT AUTHORITY,)	
Defendant.)	
_____)	
)	
GARY/CHICAGO INTERNATIONAL)	
AIRPORT AUTHORITY,)	
Third-Party Plaintiff,)	
)	
v.)	
)	
GREAT AMERICAN INSURANCE COMPANY,)	
Third-Party Defendant.)	

OPINION AND ORDER

This matter is before the Court on an Unopposed Motion to Consolidate [DE 55], filed on January 31, 2017. Defendant Gary/Chicago International Airport Authority (the “Airport”) requests that this matter be consolidated with *National Union Fire Ins. Co. of Pittsburgh, PA v. Gary/Chicago International Airport Authority*, Cause Number 2:17-CV-35-PPS-JEM. On January 31, 2017, the Airport filed a Notice of Motion to Consolidate and a Notice of Related Action in Cause Number 2:17-CV-35-PPS-JEM.

Federal Rule of Civil Procedure 42(a) provides that, “[i]f actions before the court involve a common question of law or fact, the court may . . . consolidate the actions.” Fed. R. Civ. P. 42(a)(2). Consolidation is appropriate for “cases that share the same questions of law or fact and where consolidation would not result in prejudice to any party.” *Back v. Bayh*, 933 F. Supp. 738, 748 (N.D. Ind. 1996) (citing *Fleishman v. Prudential-Bache Sec.*, 103 F.R.D. 623, 624 (E.D. Wis.

1984)). Courts “consider such factors as judicial economy, avoiding delay, and avoiding inconsistent or conflicting results” as well as “as the possibility of juror confusion or administrative difficulties.” *Habitat Educ. Ctr., Inc. v. Kimbell*, 250 F.R.D. 390, 394 (E.D. Wis. 2008). Consolidation “is a matter committed to the sound discretion of the trial judge.” *Canedy v. Boardman*, 16 F.3d 183, 185 (7th Cir. 1994).

The instant lawsuit was filed on July 24, 2015, by Plaintiff Old Republic Insurance Company for declaratory judgment and reimbursement of defense costs after the Indiana Department of Environmental Management (IDEM) initiated an action against the Airport concerning certain environmental conditions existing at the Airport (“IDEM Matter”). The related suit brought by National Union Fire Insurance Company of Pittsburgh, PA (“National Union”) was initially brought against the Airport in the Northern District of Illinois, similarly seeking declaratory judgment related to National Union’s coverage obligations for the IDEM Matter. The National Union case was recently transferred from the Northern District of Illinois to the Northern District of Indiana on the Airport’s motion for purposes of seeking consolidation with this case.

Discovery has not yet begun in the instant lawsuit in anticipation of the addition of other insurance companies as parties to the lawsuit. Counsel for Old Republic Insurance Company does not oppose consolidation. The Airport filed a Third Party Complaint against Great American Insurance Company, and Great American Insurance Company filed an Answer as well as its own Third Party Complaint against National Union. Having reviewed the Complaints in this case and in Cause Number 2:17-CV035-PPS-JEM, the Court finds that the two cases have common issues of fact and common issues of law. Consolidation will reduce the burden placed on witnesses, parties, and judicial resources.

Accordingly, in the interest of judicial economy, the Court hereby **GRANTS** the Unopposed Motion to Consolidate [DE 55] and **ORDERS** consolidation of cause numbers 2:15-CV-281-JD-PRC and 2:17-CV-35-PPS-JEM.

All future filings shall be made in 2:15-CV-281-JD-PRC only.

SO ORDERED this 27th day of February, 2017.

s/ Paul R. Cherry
MAGISTRATE JUDGE PAUL R. CHERRY
UNITED STATES DISTRICT COURT